

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

INGRID & ISABEL, LLC,

Plaintiff,

v.

LENESHA CAREY, et al.,

Defendant.

No. C-11-0914 MMC

**ORDER ADOPTING REPORT AND
RECOMMENDATION; GRANTING IN
PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR ENTRY OF
DEFAULT JUDGMENT; PERMANENT
INJUNCTION**

Before the Court is the Report and Recommendation, filed November 3, 2011, by which Magistrate Judge Paul S. Grewal recommends the Court grant in part and deny in part plaintiff Ingrid & Isabel, LLC's motion for entry of default judgment. Specifically, Magistrate Judge Grewal recommends the motion be granted to the extent it seeks entry of judgment against defendants Bellybandsforpregnancy.com and Diana Li (collectively, "Defendants") and entry of a permanent injunction against Defendants, and be denied to the extent it seeks an award of attorney's fees. No party has filed an objection thereto.

Having read and considered the Report and Recommendation and plaintiff's motion, the Court hereby ADOPTS the findings and recommendation made therein.

Accordingly:

1. To the extent the motion seeks entry of default judgment against Defendants and entry of a permanent injunction, the motion is hereby GRANTED, and Defendants, together with their officers, agents, servants, employees, representatives, successors, attorneys, assigns, dbas, alter egos, affiliates, and all other persons, firms or companies acting in

1 concert or participation with them, are PERMANENTLY ENJOINED AND RESTRAINED
2 from:

3 a. Committing any further acts of infringement of plaintiff's U.S. Patent Nos.
4 7,181,775 and 7,676,852 ("the Patents"), and, specifically, from making, using, offering for
5 sale, advertising, or selling Defendants' Belly Band product;

6 b. Using any photographs or images on Defendants' websites, advertising,
7 packaging, or marketing materials that describe, explain, show, demonstrate, or illustrate
8 the function of Defendants' Belly Band product in a manner that suggests, induces, infers,
9 or indicates use that constitutes an infringement of the Patents;

10 c. Using plaintiff's BELLABAND trademark, or any confusingly similar name
11 or trademark, in connection with advertising, promoting, selling, or distributing maternity
12 band or belly band products;

13 d. Purchasing, registering, or using BELLABAND as a user name, domain
14 name, keyword, or online advertising trigger;

15 e. Engaging in any online advertising or keyword advertising for maternity
16 bands or belly band products without the term BELLABAND as a "negative match"
17 keyword;

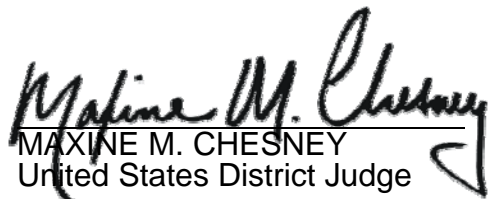
18 f. Promoting Defendants' websites or products by using BELLABAND or
19 similar terms in the source code or their online advertising, or in meta tags, or in any way to
20 trigger the retrieval or online search ranking of their websites; and

21 g. Assisting, aiding, or abetting any other person or business entity in
22 engaging in or performing any of the activities referred to in paragraphs (1) through (6)
23 above.

24 2. To the extent the motion seeks further relief, the motion is hereby DENIED.

25 **IT IS SO ORDERED.**

26
27 Dated: November 30, 2011

28

MAXINE M. CHESNEY
United States District Judge